GOVERNMENT OF INDIA
ENVIRONMENT AND FORESTS
LOK SABHA

STARRED QUESTION NO:536
ANSWERED ON:22.05.2006
. REVIEW OF COASTAL REGULATION ZONE NOTIFICATION
Nahata Smt. P. Jaya Prada;Patil Shri Balasaheb Vikhe

Will the Minister of ENVIRONMENT AND FORESTS be pleased to state:

(a) whether the Government proposes to revise the Coastal Regulation Zone Notification, 1991 in view of Tsunami;

(b) if so, the details thereof alongwith the reasons therefor;

(c) whether the Government had constituted Swaminathan Committee to review the same;

(d) if so, the details of recommendations made by the Committee; and

(e) the present status of implementation of the recommendations?

Answer

MINISTER OF STATE IN THE MINISTRY OF ENVIRONMENT AND FORESTS (SHRI NAMO NARAIN MEENA)

(a), (b), (c), (d) and (e) A Statement is laid on the Table of the House.

STATEMENT IN REPLY TO PARTS (a) TO (e) OF LOK SABHA STARRED QUESTION NO.536 FOR ANSWER ON 22.5.2006 REGARDING REVIEW OF COASTAL REGULATION ZONE NOTIFICATION, 1991

(a) No, Sir.

(b) Does not arise.

(c) and (d) The Government constituted an Expert Committee under the Chairmanship of Prof. M. S. Swaminathan in June, 2004 to carry out a quick but comprehensive review of the Coastal Regulation Zone Notification, 1991, in the light to the findings and recommendations of all previous Committees, judicial pronouncements, representations of various stakeholders and suggest suitable amendments, if necessary, to make the regulatory framework consistent with well established scientific principles of coastal zone management. The report of the Committee was received in February, 2005 and the Ministry accepted the recommendations in April, 2005. The major recommendations of the Prof. M. S. Swaminathan Committee are as follows:-

(i) Implementation of Integrated Coastal Zone Management Plan.

(ii) Development along the coastal stretches based on demarcation of setback lines taking into account the vulnerability of the coast to natural and manmade hazards.

(iii) Inclusion of the ocean zone in coastal management strategy.

(iv) Setting up of institutional structures to address the policy and legal issues.

(v) Programme for pollution abatement of coastal waters.

(vi) Identification and mapping of the coastal eco-sensitive areas such as mangroves, corals, turtle breeding areas, etc. for their conservation and protection.

(vii) Development of bioshields along the coastal stretches.

(e) Government has taken steps to implement the recommendations of the Prof. M. S. Swaminathan Committee Report. These include the following :-

For the purpose of demarcating Vulnerability Line, the Ministry has involved and assigned the work to scientific institutions namely, Survey of India, Dehradun, Space Application Centre, Ahmedabad, Centre for Earth Science Studies, Trivendrum and Department of Ocean Development, New Delhi.

The Energy and Resource Institute (TERI) has been assigned to prepare a National Action Plan for prevention of pollution of coastal waters from land based activities.

The Ministry has posed a project proposal to the World Bank seeking technical and financial assistance for mapping and demarcation of the coastal areas, preparation of Integrated Coastal Zone Management Plans, institutional building and control of pollution of coastal and marine waters.

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NOTES FOR SUPPLEMENTARIES TO THE LOK SABHA STARRED QUESTION NO.536 FOR ANSWER ON 22.5.2006 REGARDING REVIEW OF COASTAL REGULATION ZONE NOTIFICATION, 1991

1. Why and when was M. S. Swaminathan Committee constituted and what was the composition?
Ans. The Ministry constituted an Expert Committee to carry out a quick but comprehensive review of the Coastal Regulation Zone, Notification, 1991, in the light of findings and recommendations of all previous Committees, judicial pronouncements, representations of various stakeholders and suggest suitable amendments, if necessary, to make the regulatory framework consistent with well established scientific principles of Coastal Zone Management. The composition of the Committee is as follows:

(i) Prof. M.S. Swaminathan - Chairman

(ii) Prof. Bharat H. Desai, Jawaharlal Nehru University.

(iii) Prof. S. Ramachandran, Institute for Ocean Management, Anna University, Chennai.

(iv) Dr. M. Baba, Director, Centre for Earth Sciences Studies, Thiruvananthapuram.

(v) Prof. U. Shankar, Madras School of Economics, Chennai.

(vi) Dr. Ms. Janki B. Andharia, Tata Institute of Social Sciences, Bombay.

(vii) Dr. Shailesh B. Nayak, Space Application Centre, Ahmedabad.

(viii) Shri V. Sunder, Indian Institute of Technology, Chennai.

(ix) Prof. A.K. Maitra, Ex-Director, School of Planning & Architecture, New Delhi.

2. What are the recommendations of the Swaminathan Committee`s Report and the actions of the Central Government?
Ans: To comprehensively review the CRZ Notification, 1991, the Central Government constituted an Expert Committee under the Chairmanship of Prof. M.S. Swaminathan in June, 2004. The Experts of the Committee included reputed scientists in the areas of marine ecology, geology, sociology, law, coastal engineering, marine pollution, biodiversity and remote sensing. The Committee had submitted its report in February, 2005 and the Ministry has accepted the broad recommendations of the Report in April, 2005. The main recommendations include:

a) Implementation of Integrated Coastal Zone Management Plan rather than the uniform regulatory approach.

b) Development along the coastal stretches based on the hazard line, taking into consideration flooding and erosion.

c) Inclusion of the ocean zone.

d) Setting up of Institute for Coastal Zone Management to address the policy and legal issues.

e) To address the pollution of coastal areas and its water in a in a time bound manner.

f) To identify and map all the coastal eco-sensitive areas such as mangroves, corals, turtle breeding areas, etc. areas and protect them.

g) To develop bioshield along the coastal stretches.

With regard to the recommendations, the Central Government has identified actions with regard to demarcation of hazard line through Survey of India, Dehradun, Space Application Centre, Ahmedabad, Centre for Earth Science Studies, Trivandrum and Department of Ocean Development. At the first stage pilot studies have been initiated which will be completed by end May, 2006. Based on the pilot studies, detailed demarcation for the other parts of the country would be taken up and Integrated Coastal Zone Management Plans prepared and implemented.

3. What were the recommendations of Prof. M.S. Swaminathan Committee`s Report with regard to tsunami?
Ans: In order to protect the coastal environment and the life and property of the people along the coastal areas due to natural hazards including that of tsunami, the Swaminathan Committee has recommended that:

Mangrove wetlands should be regenerated.

Coral reefs, grass beds and coastal forests should be preserved and conserved for both short term and long term ecological and livelihood benefits.

Raising coastal plantations like casuarinas, saliconia, palm, bamboo, etc. will act as a bioshield.

Geomorphological features like sand dunes, beaches, coastal cliffs should be protected.

The natural hazards in the coastal and marine areas should be integrated into the coastal area management schemes.

4. What were the steps taken by the Ministry to study the environmental impacts due to the tsunami?
Ans. The Ministry had identified 10 scientific agencies/institutes for assessment of damages to coastal ecosystems due to the recent tsunami. The name of the institutes as follows:-

(i) Annamalai University, Parangipettai

(ii) Botanical Survey of India, Kolkatta

(iii) Central Pollution Control Board, New Delhi

(iv) Central Water Commission, New Delhi,

(v) Centre for Earth Science Studies, Trivendrum

(vi) Forest Survey of India, Dehradun

(vii) Institute of Ocean Management, Anna University, Chennai

(viii) Space Application Centre, Ahmedabad

(ix) Suganthi Devadason Marine Research Institute, Tuticorin

(x) Zoological Survey of India, Kolkatta

As per the Report submitted by the above institute it was reported that the mangroves have undergone severe destruction in Andaman & Nicobar Islands to the extent of 18%. In Andaman Islands 3850 ha of mangroves were lost, while, 7750 mangroves were damaged. In Nicobar about 390 ha of mangroves were damaged. Mangroves in Tamil Nadu and Kerala coastal were marginally affected.

Coral reefs were also damaged in Andaman & Nicobar Islands to the extent of 40,000 ha. Beaches, mudflats have also been affected on the islands as well as in the mainland. Large tracks of land had become saline in the island. Significant loss of forest to extent of 12,000 ha was observed in Nicobar group and 40 ha of forest in Cuddalore.

5. Are the tsunami affected areas are under revival?
Ans. As per some of the studies undertaken by the scientific institutes it is revealed that the mangroves, coral reefs, beaches etc., are in the process of reformation. However, revival of these features and ecosystems would take about 5 to 10 years.

6. What are the recommendations in the M.S. Swaminathan Committee`s Report with respect to Mumbai?
Ans: The Swaminathan Committee has examined the issues that relate to Mumbai such as slums. The Report recommends that the slums due to the unhygienic conditions have an adverse environmental impact; therefore the Ministry has to take action in a time bound manner and to provide decent housing and living conditions for all communities living along the coast. The report recommends integrated coastal zone management approach taking into consideration the vulnerability of the area to the coastal hazards for slum redevelopment and rehabilitation of the old structures in the coastal areas.

7. What is Vulnerability Line?
Ans. The vulnerability Line is to be demarcated on the coastal stretches taking into account seven parameters namely, elevation, geology, geomorphology, sea level trends, horizontal shoreline displacement (erosion/accretion), tidal ranges and wave heights.

8. Who is involved in demarcating the Vulnerability line?
Ans. For the purpose of demarcating the vulnerability Line, the Ministry has assigned survey of India, Dehradum, Centre for Earth Science Studies, Trivandrum, Space Application Centre, Ahmedabad and Department of Ocean Development, Chennai. The demarcation of certain identified stretches on the pilot scale has been initiated which are likely to be completed in January, 2006. Based on the Vulnerability Line demarcation a draft Coastal Zone Management Legislation would be issued inviting public suggestions and objections and a decision would be taken as per Environment (Protection) Act, 1986.

9. What was the assistance sought from the World Bank?
Ans: For the purpose of mapping the coastal areas, preparation of Integrated Coastal Zone Management, institutional building and control of pollution of coastal waters from land based activities the Ministry has sought an assistance from the World Bank.

10. What are the provisions of the Coastal Regulation Zone Notification that relates to tourism development?
Ans: As per the Coastal Regulation Zone, Notification, 1991 tourism development can be set up in the Coastal Regulation Zone area beyond 200 mts from the High Tide Line. In case of Andaman & Nicobar Islands and Lakshadweep tourism facilities can be developed beyond 50 mts from the High Tide Line on the landward side.

11. What is Coastal Regulation Zone Notification, 1991?
Ans: In order to protect the coastal environment, the Central Government issued the Coastal Regulation Zone Notification, vide S.O. No.114(E) dated 19.2.1991, under the provision of Environment (Protection) Act, 1986. The notification regulates developmental activities within 500 metres from the High Tide Line and within the inter-tidal area. The notification lists the prohibited activities and the regulated activities.

12. What is the Coastal Zone Management Plan?
Ans: The Notification categorizes the coastal stretches into CRZ-I - the areas which are ecologically sensitive such as mangroves, coral reefs, forests, etc., CRZ-II - the substantially built up municipal areas, CRZ-III - rural areas and CRZ-IV the Islands of Andaman and Nicobar and Lakshadweep. As per the CRZ Notification, 1991, nine coastal States and four Union Territories have prepared the Coastal Zone Management Plans demarcating the CRZ-I, II, III and IV areas. These Coastal Zone Management Plans have been approved by the Central Government on 26th September, 1996 with certain conditions and modifications. All developmental activities in the CRZ areas have to be in accordance with CRZ Notification, 1991 and approved CZMPs.

13. When were the Coastal Zone Management Plans approved and what is the status?
Ans: In accordance with the orders of the Supreme Court in the matter W.P. 663 of 1993 filed by M.C. Mehta Vs. the Union of India, all coastal States including Maharashtra submitted their Coastal Zone Management Plans to the Ministry of Environment and Forests. The Ministry approved these Coastal Zone Management Plans with certain conditions and modifications on 26th September, 1996. Further, the State Governments had to submit their revised Coastal Zone Management Plans taking into account the conditions and modifications listed in the approved letter dated 26th September, 1996. However, till date no coastal State has submitted the revised CZMP for the entire State. Government of Maharashtra had submitted the revised CZMP for Greater Mumbai and Navi Mumbai. The

Ministry approved the revised Coastal Zone Management Plan of Greater Mumbai with certain conditions in January, 2000 while the CZMP of Navi Mumbai was not approved since it was not in accordance with the CRZ Notification, 1991.

14. What are the recommendations of the Sukhtankar Committee Report on Mumbai and Navi Mumbai and reactions of the Central Government?
Ans: In order to examine the issues relating to Coastal Zone Management in the Mumbai urban areas, the Ministry constituted a Committee under Shri D.M. Sukhthankar in May 2000. The Committee submitted its report in December, 2000. The following were the recommendations and the reactions of the Central Government:

(a) To consider Slum Rehabilitation Schemes with Higher FSI, than the FSI as existed on 1991. Central Government did not agree to these recommendations as the recommendations were not in accordance with the Coastal Regulation Zone Notification, 1991.

(b) Construction of Missing Links passing through mangroves. Since destruction of mangroves is prohibited under CRZ Notification, 1991, the Ministry did not agree to the recommendation.

(c) Development of Housing project in Greater Mumbai proposed by MHADA. The Central Government had already amended the CRZ Notification, 1991 to provide for housing schemes undertaken by the State Government.

(d) Development in Navi Mumbai. The Ministry did not agree to the recommendation since several developmental activities in Navi Mumbai has been undertaken in violation of CRZ Notification, 1991.

(e) To stop dumping of solid waste in CRZ area. The Government of Maharashtra has been directed to relocate all the dumping sites outside CRZ area.

(f) To stop dredging in CRZ area and creeks. The Government of Maharashtra has been directed to stop dredging.

15. Will the Ministry amend the Coastal Regulation Zone Notification, 1991 for increase in Floor Space Index for taking up slum rehabilitation schemes?
Ans. With regard to increase in Floor Space Index for undertaking the project pertaining to Rehabilitation of Slums, dilapidated structures, the Ministry has already clarified that such conditions can be taken up as per the Floor Space Index/FAR as existed on 19.2.1991.

16. What was the Court Orders of Writ Petition No.1019 of 1999 in the High Court of Bombay filed by the Builder Arch?
Ans: The Ministry had issued a clarification on 27th September, 1998 to the word `Existing FSI/FAR` occurring in the provision relating to CRZ-II and III. As per the clarification, the word `Existing FSI/FAR` means the FSI/FAR as existed on 19.2.1991 i.e. the date of the issue of CRZ Notification, 1991. The Builder Arch and others challenged the clarification in the High Court of Bombay in W.P. No.1019 of 1999. The Hon`ble High Court dismissed the Petition upholding the clarifications issued by the Ministry of Environment and Forests.

17. Has the CRZ notification amended to permit the Western Freeway Project Worli to Bandra, Bandra to Nariman accorded clearance?
Ans. An amendment dated 9th July, 1997 to Coastal Regulation Zone Notification, 1991 notified permitting construction of sea link projects. Based on the amendment the Worli to Bandra and Bandra to Nariman Western Freeway Sea Link Projects were considered and approved by the Central Government on 7.1.1999 and 19.2.2005 respectively.

18. Has the Coastal Regulation Zone Notification amended for providing sealinks?
Ans. An amendment dated 24th June, 2003 issued to Coastal Regulation Zone Notification, 1991 permitting construction of trans harbour sea links. Based on the amendment the Trans Harbour Sea Link from Sewree to Nhava Sheva project was approved by the Central Government on 11.3.2005.

19. Are development in open spaces in Mumbai permitted?
Ans. Amendment dated 19th January, 2000 issued to Maharashtra Coastal Zone Management Plan dated 26th September, 1996 permitting FSI upto 15% in the open spaces falling in Coastal Regulation Zone -II areas.

20. Can missing links of road be constructed?
Ans. With regard to construction of missing links of roads, it was clarified on 19th January, 2000 that such construction of roads should be taken up as per the approved development plan of Greater Mumbai (as existed prior to 1991), provided such proposed links do not pass through Coastal Regulation Zone -I/No Development Zone of Coastal Regulation Zone -III and buffer zone of Coastal Regulation Zone -I.

21. Can the Gaothans or the fishing villages be classified as Coastal Regulation Zone-II?
Ans. With regard to reclassification of Gaothans, it was clarified on 19th January, 2000 that the reclassification proposals of such areas should be routed through Maharashtra State Coastal Zone Management Authority. However, no such proposal has been received so far.

22. Can development be taken abutting mangroves?
Ans. With regard to reduction of buffer along mangroves, it was clarified on 19th January, 2000 that 50 metre buffer around mangroves of area of 1000 sq. metres and above will not be required on the landward side provide the road abutting such mangroves was constructed prior to 19th February, 1991.

23. Has the Ministry approved the Kharland projects pertaining to agriculture by local communities?

Ans. On 22.8.03 the Ministry amended the Coastal Zone Management Plan of Maharashtra permitting agriculture of local communities in the Kharland area falling within inter-tidal areas.

24. Can Municipal solid waste be dumped in Coastal Regulation Zone area?
Ans. With regard to municipal solid waste in Coastal Regulation Zone area, it was clarified on 19th January, 2000 that all existing dumping sites in Coastal Regulation Zone area should be immediately relocated outside Coastal Regulation Zone area since Coastal Regulation Zone Notification prohibits such dumping in Coastal Regulation Zone areas.

25. Why the Coastal Zone Management Plan of Navi Mumbai not approved?
Ans. With regard to the approval of the revised Coastal Zone Management Plan of Navi Mumbai, the Ministry could not consider the proposal since the recommendations of the Shri Sukhtankar Committee constituted to examine the issues relating to Navi Mumbai were not in accordance with the Coastal Regulation Zone Notification, 1991.

26. Has the Coastal Zone Management Authority of Maharashtra been constituted?
Ans: The Ministry has constituted the Coastal Zone Management Authorities of all Coastal States and Union Territories including Maharashtra under the Environment (Protection) Act, 1986. The Maharashtra Coastal Zone Management has been reconstituted vide Notification S.O. 1231(E) dated 2.9.2005. The main functions of the Authority include to take action against violations of the provisions of CRZ Notification, 1991 and approved CZMP of Maharashtra. The Authority has been delegated powers under Section 5, 15 and 19 of Environment (Protection) Act, 1986.

27. Has the violation of the CRZ Notification, 1991 led to the recent flooding of Mumbai?
Ans: The Ministry has not received any scientific report establishing that the increase of flood level was due to the violations of CRZ Notification, 1991. However, reclamation of low-lying areas including mangrove areas is known to have direct impact on the run-off of the flood waters.

28. Several buildings have collapsed due to the recent heavy rains causing loss of life and property. Has the CRZ Notification, 1991 amended to take up the reconstructions of the buildings?
Ans: As per CRZ Notification, 1991 reconstructions of buildings can be taken up with the existing Floor Space Index and without change in land use pattern. All buildings in the dilapidated conditions can be undertaken as per the above provision.

29. Has the Ministry approved the Trans Harbour Sea Link Project and the Worli Bandra Western Free Way project?
Ans: The Ministry has already approved the Trans harbour Sea Link Project on 7.1.1999 and Western Free Way Sea Link Project on 10.2.2005.

30. Has the Ministry received the proposal from Government of Maharashtra for developing Bombay into Shanghai?
Ans: No such proposal has been received in the Ministry.

31. Whether Government has permitted Kharland development in Coastal Regulation Zone areas?
Ans: The Ministry has approved the revised Coastal Zone Management Plan of Maharashtra on 22.8.03 permitting development of agriculture by the local communities in the Kharland project assisted by European Union.

32. What are the salt pan lands in Maharashtra classified as? Can development be taken up on such salt pan lands?
Ans: Active salt pans which use tidal water for salt pan activities are classified as CRZ-I. The abandoned salt pans after 1991 can be classified as CRZ-II or III based on the norms laid down in the CRZ Notification, 1991. Development in such abandoned such salt pans can be considered in accordance with CRZ Notification, 1991 and approved CZMP of Maharashtra. The Ministry has not received any such proposal for development/reclamation of salt pans from Government of Maharashtra.

33. What were the orders of the High Court in the W.P. No.3246 of 2005?
Ans: The Bombay Environmental Action Group had filed a Writ Petition in the High Court of Bombay with regard to protection of mangroves in Maharashtra including Mumbai. The Hon`ble High Court in its orders has prohibited all destructions of mangroves and has directed the State Government to map the mangroves using satellite data. It has also directed to the State Government to show all mangrove areas including in the revenue areas as forestland. The Forest Department has been directed to takeover physical position of all mangrove areas.